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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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The meeting was called to order at 3 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/1999/44 and Add.1-2, 45, 46 and Add.1, 47-51, 112 and Add.1 and 115; E/CN.4/1999/NGO/13, 35, 48, 49 and 57; A/53/293 and Add.1; A/RES/53/141)

1. Ms. TOMASEVSKI (Special Rapporteur on the right to education), introducing her report (E/CN.4/1999/49), said that the Commission's decision at its fifty-fourth session to focus on the right to education was a timely one, as many United Nations bodies were currently elaborating short-term platforms on education. In her report, she had taken care to reflect the Commission's concern to mainstream the gender perspective. Gender was an important consideration, given that one of the notable successes in recent years had been a diminishing of the gender gap in education in the Middle East.

2. The report made a distinction between the education sector and the right to education, for educational policy was not always based on the notion of human rights. The shift to a human rights-based approach to education had begun only in 1990, following the World Conference on Education for All, held at Jomtien, Thailand. One problem posed by the different approaches lay in the fact that, traditionally, basic education statistics covered children between the ages of 6 and 11, whereas the rights-of-the-child approach dealt with children up to the age of 18.

3. The imposition of fees for basic education was a matter of concern. Under the Convention on the Rights of the Child, Governments were required to provide basic education to children free of charge. That requirement was not, however, part of the Jomtien approach. Her report dealt with aid to education and the question of school fees at the primary level, and she believed it ought to be possible to address that question collaboratively within the United Nations system to ensure that a human rights dimension was incorporated into international educational policy.

4. The human rights approach to education had a solid legal basis not only in treaty provisions, but in a wealth of jurisprudence from many countries. The right to education was, in fact, legally enforceable, and she hoped that international development and education agencies would draw on that jurisprudence to promote the right to education in their work.

5. In her next report she intended to explore the question of the right to education in time of war, since education was not considered to be a component of humanitarian assistance, like shelter, food and medical supplies. The area where human rights law and humanitarian law converged thus merited some further study.

6. Mr. FIGUEREDO (Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights) said that the problem of foreign debt continued to perpetuate inequalities within and among countries, causing the greatest distress among children. The continued uncertainty in the world economy had engendered serious scepticism with regard to globalization and traditional methods of tackling development problems. Many positive initiatives had been put forward by non-governmental

organizations (NGOs), and he urged them to continue to exert pressure on those responsible for financial issues at the national and international levels. What was needed was a more reliable partnership involving the United Nations system, civil society and national policy makers. Actions that might be contemplated included earlier and deeper debt relief, making resources commensurate with political will and addressing the linkage between debt and poverty alleviation.

7. It was not enough, however, to overcome debt overhang: ways of preventing its distressing and harmful effects from recurring must be identified. Consideration should be given to the right of protection of indebted countries, the establishment of a court of arbitration and the introduction of insolvency procedures similar to those applied to municipalities in the United States of America. Ways of rectifying inequities produced by market forces, the role of the global trading system, the linkages between economic justice and human rights and means of fostering dignity among the poor should also be explored.

8. Subsequently, he intended to report to the Commission on the following topics: enhancing the collective approach to the debt problem of developing countries; promotion of a dialogue between the heads of the specialized agencies, the High Commissioner for Human Rights and the Bretton Woods institutions; development of a consultative mechanism within the Administrative Committee on Coordination (ACC) for a systematic exchange of information on debt issues; reaffirmation of the importance of the social aspects of economic growth and adjustment processes; encouragement of an enhanced initiative for highly indebted poor countries; broadening participation in consensus-building at the national and international levels; establishment of an inter-agency advisory board for financial discussions; the inclusion of children's rights and poverty reduction as conditionalities in debt cancellation and alleviation strategies; and the development of a framework for debt cancellation. He also suggested that a comprehensive review of debt relief mechanisms should be undertaken by an inter-agency advisory body and financed by voluntary contributions. The Commission could then consider the review and adopt pertinent recommendations at its fifty-sixth session.

9. Mr. ROBBINS (United States of America) said that individual rights were the underpinning of a society's economic, social and cultural well-being and there was an indissoluble link between democracy and compliance with international human rights standards. One way to promote economic rights was to ensure that working people had some measure of control over their workplace. Accordingly, his delegation strongly supported the Declaration on Fundamental Principles and Rights at Work adopted by the General Conference of the International Labour Organization (ILO) in 1998. The recent initiative by his Government aimed at helping other countries to raise their labour standards was evidence of its commitment to those principles.

10. Although the Universal Declaration of Human Rights emphasized that children and young persons should be protected from economic and social exploitation, millions of children worked in conditions that could only be called exploitative or hazardous to their health. In 1998, the United States had increased its contributions to the ILO International Programme for the

Elimination of Child Labour tenfold and it was endeavouring to bring more countries into the Programme. An important step in developing effective strategies to eliminate exploitative forms of child labour was documenting the extent and nature of the problem, and his delegation supported ILO efforts to design child labour surveys and compile data banks on child labour. He looked forward to the negotiation of a convention on the worst forms of child labour at the 1999 session of the General Conference.

11. Mr. REYES RODRÍGUEZ (Cuba) said that, since 1992, the United States of America had adopted more than 20 pieces of legislation aimed at strengthening its blockade of Cuba. Foreign companies doing business with Cuba had been intimidated and United States citizens having relations with Cuba had been prosecuted. The United States Government had raised its economic war to irrational levels with a view to suffocating the Cuban people and imposing its own economic, political and social model on the country.

12. The blockade constituted a death sentence, for it deprived the Cuban people of basic foodstuffs and medicines as well as access to technology and markets, and prevented Cuba from renegotiating its external debt. The blockade had cost Cuba more than $6 billion. Recent efforts by propagandistic media in the United States to suggest that the Government's policy towards Cuba was becoming more flexible were intended to counter the growing rejection of the blockade by public opinion in the United States and throughout the world as well as to weaken patriotic resistance within Cuba. In truth, however, the United States had not sold Cuba any medicines or made it easier for Cubans living outside the country to send money to or communicate with their families.

13. The United States of America currently imposed 61 unilateral economic sanctions against various countries which accounted for 42 per cent of the world's population. There was thus little point in speaking of human rights, development or a democratic world characterized by the rule of law if the most flagrant and massive violation of those rights was not addressed. In 1998, the Movement of Non-aligned Countries had adopted a resolution condemning unilateral coercive measures as being incompatible with the enjoyment of human rights and his delegation hoped that, at its current session, the Commission would express its vigorous rejection of the use of such measures.

14. Mr. RUÍZ Y AVILA (Mexico) said that the principal obstacle to the enjoyment of economic, social and cultural rights was extreme poverty, which currently affected one fifth of the world's population. Any legitimate effort to promote human rights anywhere in the world must include a clear commitment, at both the national and international levels, to the eradication of that plague. In an interdependent world, that meant ensuring economic growth through strategies to promote domestic savings and investment, increase productivity, enhance the sustainability of production and employment and create a stable economic environment.

15. Despite its financial crisis and declining oil prices, Mexico had experienced significant growth in 1998 and had allocated more resources for social development than ever before for the purpose of bringing the social indicators for the least developed regions of the country into line with the

national averages. Emphasis had been placed on making the poorer segments of the population productive, with 75 per cent of all the resources being allocated for that purpose.

16. In 1997, his Government had launched PROGRESA, a programme for education, health and food. It continued to provide support for social enterprises, income-generating projects for women and rural credit. An employment programme for farm workers had doubled its coverage in 1999 and a temporary employment programme was also being expanded.

17. As indigenous populations were the most seriously affected by extreme poverty, the Government had given priority to that group and provided support, with the active participation of the populations concerned, for efforts to make lasting improvements in their standards of living. Women, too, were frequently victims of discrimination and poverty, and PROGRESA included activities to help women, particularly indigenous women, overcome poverty. Subsidies for basic foodstuffs were made available to low-income groups.

18. Greater resources had been allocated to municipal governments, and an effort was being made to promote equity, transparency and shared responsibility in the management of resources by local authorities and beneficiaries alike.

19. He thanked the independent expert on extreme poverty for her cooperation with Mexico and welcomed the visit to Mexico by the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

20. Ms. BAUTISTA (Philippines) said it had been argued that the Commission was not the appropriate body to discuss economic matters, which were best left to international financial institutions but a failure to address concerns in the field of economic, social and cultural rights would mean abandoning ordinary people to the dictates of those who might mean well but did not see the faces of the suffering masses. It was ironic that the people who were the last to benefit from liberalization and globalization were the first to pay the cost of structural adjustment.

21. The recent financial crisis in Asia had shown the extent of the suffering that could result from ill-conceived programmes that failed to take into account their impact on the lives of ordinary people. Economic hardship allowed ethnic and religious tensions to surface, further exacerbating the human rights problems faced by countries that were already in financial crisis. Recent initiatives by the international financial institution showed greater sensitivity to the social costs of structural adjustment policies, but, as early as 1992, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had called on them to take greater account of the adverse impact of structural adjustment policies on the realization of economic, social and cultural rights. The international financial institutions had not needed, therefore, to wait for the crisis to erupt before acting.

22. The recent report of the Task Force of the Executive Committee on Economic and Social Affairs stressed that there should be consistency between

the initiatives taken and the provisions of the main international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights. The Commission thus clearly had a crucial role to play in the formation of a global consensus behind pro-people policies.

23. The working group on structural adjustment programmes and economic, social and cultural rights had met in March 1999 to consider the report of the independent expert on the effects of structural adjustment policies on the full enjoyment of human rights (E/CN.4/1999/50). The session had been useful in providing the independent expert with guidance for the preparation of his next report. Her delegation would be introducing a draft decision to enable the working group to continue its work and complete its mandate and, given recent experience and the lessons learned from the financial crisis, it hoped that the Commission would adopt the draft decision by consensus.

24. Structural adjustment was an area in which the need for reforms intersected with the need for protection and promotion not only of economic, social and cultural rights but also of civil and political rights. The Commission should continue to give priority attention to an issue of such critical importance for the developing countries, particularly the least developed and heavily indebted countries. In so doing, it would add value to the work of the international financial institutions by giving structural adjustment programmes a human face.

25. Mr. SUTOYO (Indonesia) said that it was an undeniable fact that globalization and liberalization were having adverse social and economic effects in many developing countries. One aspect of globalization was the deepening technological, financial and production gap not only between developed and developing countries but also among the developing countries themselves. In Indonesia, the recent financial crisis had caused stagnation of the economy, with serious repercussions for employment leading to a sharp increase in poverty and much social instability. The Government had had to introduce safety net programmes to ensure that people had access to basic social services.

26. The international financial crisis had taken on alarming dimensions and posed a threat to world economic development. The international community must devote all its energy to pursuing institutional reforms and must introduce more democratic, transparent and accountable policies taking account of national circumstances. It was encouraging to note that steps were being considered to strengthen the international financial architecture with a view to restoring stability and greater predictability to financial markets. An international consultative process was needed to ensure that the reform of the architecture of the international financial system accommodated the differences in individual countries' economic circumstances.

27. Extreme poverty was currently depriving 1.3 billion people in the world of full and effective enjoyment of all human rights. It was therefore the first and greatest cause of human rights violations, and its eradication was a social, political and economic imperative. It was just as degrading to human dignity as other forms of human rights violations such as torture. The campaign against it would require a transfer of resources to the social sector.

28. According to the United Nations Development Programme (UNDP), the provision of universal access to basic social services and the transfer of resources to close the gap between the annual income of poor people and the minimum income needed to escape extreme poverty would cost approximately US$ 80 billion per year. In a world economy of US$ 25 trillion, the eradication of poverty was surely affordable: the real obstacle was not the lack of financial resources but the absence of a genuine political commitment.

29. General Assembly resolution 52/193 called upon the developed countries to commit 0.7 per cent of their Gross National Product (GNP) to official development assistance (ODA) and, within that target, to earmark 0.15 to 0.20 per cent for the least developed countries. The international community should also continue its efforts to secure debt relief for the developing countries. According to the World Bank, official debt had reached such a level in approximately 40 countries that the Governments concerned were no longer able either to service the debt or to make the necessary investments in health and education. Strengthened international cooperation based on mutual interest was a necessity to support the developing countries in their efforts to solve their social and economic problems and to fulfil their obligation to promote and protect human rights.

30. Mr. MICHELENA (Venezuela) said that the Vienna Declaration had made it clear that human rights were indivisible and interrelated. It was still necessary, however, to combat the idea that some rights were more important than others and that economic, social and cultural rights were less important. The right to food, the right to national and international conditions to overcome poverty and the need to understand and deal with the negative impact of external debt were issues no less important than those that had been brought to the attention of the United Nations at a much earlier date.

31. Globalization had a different impact on different countries, but some were better able to deal with its effects than others. In the case of the economic and financial difficulties of developing countries, the treatment or diagnosis was all too often wrong. Following the recent financial and economic crises in Asia, the Russian Federation and Brazil, the World Bank had decided that it had to adopt new parameters, and not rely solely on monetary and financial ones. The Special Rapporteur on foreign debt had made some appropriate and innovative proposals (E/CN.4/1999/47), and it was clearly important that the policies of the various bodies concerned should be consistent.

32. Mr. PERAZZA (Uruguay) said that one of the main challenges to the international community was poverty, which imposed limits on the capability of future generations to take part in the development process. Poverty produced more horrors than war, but the world had grown used to it. Extreme poverty and marginalization affected millions of people, and were acknowledged to be aggravating factors in the development of racism, racial discrimination and xenophobia. All national and international actors should commit themselves to creating the economic environment to promote social development so as to improve the living conditions of such wide sections of the world's population.

33. Uruguay had been making substantial efforts to close the poverty gap, and had been recognized by international organizations as a country which had

managed economic growth and income distribution for the benefit of the most marginalized sectors of its society. In particular, it provided universal free pre-school education from the age of four. Its educational policies had led to reductions in child mortality.

34. The report of the Special Rapporteur on foreign debt (E/CN.4/1999/47) was a very interesting one, and it was clear that he was on the right track.

35. Mr. AHN (Republic of Korea) said that many countries had recently had first-hand experience of the dual nature of globalization - the opportunities it provided and the risks it entailed - and one of their common experiences was the serious threat to economic, social and cultural rights posed by the down-side of globalization. His Government had responded to the challenge by introducing extensive economic restructuring together with a strengthening of social welfare. The process of adjustment had been costly and painful, but had begun to pay dividends.

36. It had also taken broad-ranging measures to deal with unemployment: public work programmes had been increased by 50 per cent and there was a plan to create 1.5 million new jobs in three years, while unemployment benefit packages were being extended, with significant increases in budget allocations. Good national governance should precede efforts at the international level but part of the solution would have to be sought in international cooperation.

37. His delegation thus welcomed the fact that the international economic community was devoting more attention to reforms, to the regulation of short-term capital movements, to the trade impact of exchange rate volatility and to the marginalization of countries. The Commission should make a greater input into those processes so that the outcome would be a strengthening of economic, social and cultural rights. The dual nature of globalization should be a fully integrated and central theme of the Commission's work under the current agenda item. The Office of the High Commissioner for Human Rights was establishing some welcome contacts with the International Monetary Fund (IMF), the World Bank, the World Trade Organization (WTO) and other related international organizations.

38. Ms. BRATTESTED (Norway) said that civil and political rights and economic, social and cultural rights were mutually reinforcing and constituted an integrated whole. A lack of development should not be invoked to justify the abridgement of internationally recognized human rights. Economic and other circumstances certainly influenced the extent to which economic, social and cultural rights could be achieved, but there should be no discrimination regarding access to, for instance, health care or education. Governments were responsible for creating an economic, political, social, cultural and legal environment that enabled people to achieve successful and lasting development without discrimination of any kind.

39. There was a growing and increasingly vocal constituency in her country addressing issues relating to economic, social and cultural rights, including the rights of the child, the rights of the disabled and the issue of racial and ethnic discrimination. There was no justification for maintaining a distinction in principle with respect to the implementation of economic,

social and cultural rights and civil and political rights. Her Government thus proposed to incorporate both the International Covenants on Human Rights into Norwegian legislation.

40. Taking economic, social and cultural rights seriously implied a commitment to social integration, solidarity and equality. Since the vast majority of people living in unacceptable conditions of poverty were women, Governments must mainstream a gender perspective into national development plans, and donor countries must live up to their responsibility to assist States in their efforts to ensure the full enjoyment by women of all human rights.

41. Mrs. AHMED (Sudan) said that economic, social and cultural rights were interrelated and must be implemented in a balanced way. The problems of the least developed countries (LDCs) were compounded by globalization. Unless adequate international action was taken to address that phenomenon, their further marginalization was inevitable. The debt burden, declining official development assistance (ODA) and inadequate foreign direct investment (FDI) curtailed the potential of developing countries to exercise their right to development.

42. Strong political will, at both the national and international levels, was necessary to eradicate poverty. Her Government had established social solidarity funds, funds for small-scale and subsistence farming projects, a students' fund, productive family projects and health insurance and shelter for the elderly and disabled. In education, due attention was paid to local languages and pre-school education was free and compulsory. There were over 20 establishments of higher education.

43. Referring to Commission resolution 1998/11 concerning unilateral coercive measures, she said that, in August 1998, the United States had bombed a pharmaceutical plant in her country on the flimsiest of pretexts. The factory had supplied 80 per cent of the country's pharmaceutical needs and its destruction had deprived children, women and the elderly of life-saving medicines. Such coercive measures contravened the Charter of the United Nations and international law.

44. Her Government was committed to ending the war inflicted on the Sudan and called on the international community to exert pressure on the rebel Sudanese People's Liberation Army/Movement to join in the peace negotiations.

45. Mr. PADILLA MENÉNDEZ (Guatemala), having endorsed the statement by the representative of El Salvador on behalf of the Central American Group, said that, since the issues that were being addressed by the various independent experts and special rapporteurs were closely interrelated, a coordinated or integrated approach would pay dividends. For example, extreme poverty was related to the lack of public funds in developing countries, which was connected with structural adjustment programmes, foreign debt, the impact of globalization and the stabilization, privatization and liberalization policies associated with the so-called "Washington consensus". Although national and international projects had achieved some measure of success, poverty and "underdevelopment" had actually increased and the successes were mainly microeconomic and hence "microsocial". The Secretary-General had referred to

the need for a global development funding policy, a topic that should be addressed at the so-called "Millennium Assembly" together with others such as debt relief and South-South cooperation.

46. The Special Rapporteur on the effects of foreign debt had noted that the Bretton Woods institutions were beginning to consider the desirability of adopting consistent approaches and development strategies. He had advocated inter-agency action, particularly in the form of a dialogue between those institutions and the High Commissioner for Human Rights. To that end, an advisory body within the ACC, an inter-agency advisory board or some other similar mechanism could be established.

47. Ms. JAHAN (Bangladesh) said that the report of the independent expert on human rights and extreme poverty (E/CN.4/1999/48) amply documented the intrinsic link between the two. The independent expert on the effects of structural adjustment policies had confirmed in his report (E/CN.4/1999/50) that such programmes had a palpable economic, social and political impact and that their cost was borne largely by the poor. Globalization had relegated many countries to the margins of development and a thorough study of its impact should be undertaken. The Commission should also advocate compensatory measures on behalf of the countries affected.

48. Bangladesh faced the twin challenge of maintaining a pluralist democracy and a decent standard of living for its people. Top priority was being given to accelerated and sustainable development. Development plans focused on poverty alleviation, human resources development, empowerment and the mainstreaming of women, for example through microcredit. Successes had been achieved in health care, primary education and population planning. The peace agreement on the Chittagong Hill Tracts had provided a golden opportunity for the development of that area.

49. Enjoyment of human rights was not a zero-sum game. Recognition of economic, social and cultural rights did not imply any downgrading of civil and political rights.

50. Mr. van der HOEVEN (International Labour Organization) said that there were four successive trends discernible in structural adjustment policies. Emphasis had initially been placed on stabilization policies that virtually ignored the implications for employment and social conditions. In the mid-1980s, the economic growth dimension had been taken into account, first through the liberalization of internal and external markets and later through emphasis on industrial and trade policies. Some consideration had been given to the social implications of adjustment policies in the late 1980s and early 1990s, for example by the inclusion of safety nets in structural adjustment programmes.

51. The fourth generation of structural adjustment policies was about to be implemented. The 1995 World Summit for Social Development had urged all countries and international organizations to take into account the social consequences of adjustment and to involve the population in formulating policies. The need to integrate structural adjustment policies into

longer-term development strategies had become apparent, and the international financial institutions had recently shown some willingness to listen to the views of civil society on the issue.

52. There could be no fruitful structural adjustment programme without popular involvement and acceptance. ILO was working for the involvement of trade unions and employers' groups at all stages of such programmes: in the design phase to ensure that the costs of adjustment were more evenly shared and that employment was a major objective; during implementation to ensure that Governments and international organizations honoured their commitments; and after completion to monitor the impact of the programme and integrate its results into longer-term development policies.

53. The International Labour Conference's 1998 Declaration on Fundamental Principles and Rights at Work gave high priority to freedom of association and the effective recognition of the right to collective bargaining. The Commission could help to ensure compliance with its provisions.

54. Mr. RECALDE (Observer for Paraguay), referring to the report by the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1999/46/Add.1) which described her visit to Paraguay in June 1998, said that, in the context of France/Paraguayan cooperation under the Basel Convention, a French expert mission had taken samples of the contents of barrels stored in the port of Asunción in May 1998. Its report, submitted to the competent Paraguayan judicial authority, concluded that the products in question presented serious risks to health and the environment and recommended specific measures for their safe elimination. His Government would provide all necessary assistance to the country's judiciary in its investigation of the case and would take appropriate action once a judgement had been given.

55. His delegation thus endorsed the Special Rapporteur's appeal for national, regional and international preventive measures to halt the illegal dumping of toxic and dangerous products and for international judicial assistance as well as her request to the alleged countries of origin of the trade and any transit countries for full cooperation. It called on the industrialized countries to cooperate in eliminating toxic waste and in detecting illicit traffic. As Paraguay was a landlocked country, stricter controls by exporting and transit countries was essential.

56. Mr. HASNUDIN (Observer for Malaysia) said he regretted that the report of the independent expert on human rights and extreme poverty (E/CN.4/1999/48) had barely touched upon the issue of globalization (para. 126), while emphasizing in other passages the role of the international community in eradicating extreme poverty. It would have been better to combine the two ideas and state that international cooperation to eradicate extreme poverty must constitute the humane face of globalization. The report should also have highlighted the fact that, while globalization offered the opportunity to eradicate extreme poverty very rapidly, the resulting turbulence rendered such achievements both precarious and transient. The Asian financial crisis demonstrated the truth of that statement.

57. The independent expert should be given the wider mandate of covering poverty at large. There should also be some collaboration between the Special Rapporteur on the right to education and the independent expert on the effects of structural adjustment policies with a view to identifying common themes.

58. Mr. PAPPA (Observer for Switzerland) said that, in an increasingly interdependent world, the freedom of action of individual States was restricted and the impact of national policies was undermined by factors beyond their control. Although the enjoyment of economic, social and cultural rights depended on the international economy and was sometimes hard to reconcile with the free play of market forces, there were two basic principles to be borne in mind: the preservation of human dignity depended on respect for such rights and all human rights were universal, indivisible and interdependent. States bore primary responsibility for establishing national and international conditions conducive to the enjoyment of all rights.

59. His Government welcomed the appointment of an independent expert on human rights and extreme poverty, an issue to which it gave priority in its development cooperation programmes. It also welcomed the appointment of a Special Rapporteur on the right to education and endorsed the conclusions of her preliminary report (E/CN.4/1999/49). The right to free primary education was a key component of Swiss development policy, both at home and abroad.

60. He agreed with the Special Rapporteur that education called for a long-term commitment. An in-depth study was necessary to identify the nature and scope of the right to education in the light of international human rights law. A pragmatic approach would produce practical results, facilitating the implementation of the right to education within countries and in cooperation policies, and shedding light on possibilities and difficulties relating to the enjoyment of other economic, social and cultural rights.

61. Mr. REVA (Observer for Ukraine) said that the promotion of economic and social rights was a particularly sensitive issue for many countries, including his own, that were engaged in a process of structural adjustment and economic reform. The obligations incurred at the World Summit for Social Development, while not legally binding, constituted strong ethnical and moral imperatives. The special session of the General Assembly on the follow-up to the Summit would test the capacity of the international community and individual States to respond effectively to current challenges. It should pay special attention to the social impact of globalization, an integrated approach to poverty eradication, and the enhancement of employment and social cohesion through the promotion and protection of human rights. His Government would continue to honour its Summit obligations and take an active part in the preparations for the special session.

62. Ukraine, which was making the difficult transition from a centrally planned to a market economy, was taking consistent action to ensure social protection, particularly for the most vulnerable groups, through a system of special services at different administrative levels. To strengthen political stability, the country's legal system was being improved, particularly in the area of human rights and fundamental freedoms. The Government's efforts were,

however, hampered by a lack of funds. He trusted that the United Nations system would continue to provide technical assistance to economies in transition in accordance with the relevant General Assembly resolutions.

63. Referring to the Secretary-General's report on human rights and the environment (E/CN.4/1999/89), he regretted that most of the organizations of the United Nations system had failed to respond to the request for comments, the more so as the special session of the General Assembly on Agenda 21 had demonstrated the vital importance of the question for sustainable development.

64. Mr. MIKHNEVICH (Observer for Belarus) said it was regrettable that the violation of civil or political rights produced a much prompter world reaction than the violation of economic, social and cultural rights, to which most Governments paid mere lip-service. The experience gained in the protection of civil and political rights could, however, be applied to that of economic, social and cultural rights.

65. Governments with economies in transition faced particular difficulties in providing the financial means for their social programmes. In Belarus, revenue had fallen but the social budget had not, as the Government attempted to keep the sharp differentiations in living standards under control and alleviate hardship. Some 15 per cent of GDP went on social programmes. Moreover, existing legislation conferred the right to invalidity benefit following illness or an accident at work.

66. On the whole, the country's cultural traditions had been kept alive: it was hoped that improved funding would bring access to cultural services to more people.

67. Mr. HUSSAIN (Observer for Iraq) said that the comprehensive embargo imposed on the suffering Iraqi people since August 1990, depriving them of their basic needs, was unparalleled in cruelty and involved flagrant violations of collective and individual human rights. It had led to the death of more than a million children from disease and malnutrition and a high incidence of disease among the population at large.

68. The recent United States and United Kingdom aggression, targeting the very infrastructure of the Iraqi economy, had no basis in law and should be vigorously condemned. It should be asked, in particular, why it had been necessary to destroy the oil pumping station and refineries in Basra. The humanitarian situation had reached such a pitch that the Commission and the High Commissioner for Human Rights could no longer remain silent. Mr. Denis Halliday, who had resigned his post as Assistant Secretary-General since he had been unable to bear the humanitarian scandal, had stated in February 1999 that children were still dying at the rate of 5,000-6,000 per month, owing to the lack of basic medicines, and 30 per cent of all children suffered from malnutrition.

69. Monsignor BERTELLO (Observer for the Holy See) said that the various international human rights instruments had created a climate in which the enjoyment of human rights was seen not as a mere aspiration but as an attainable goal. In most of the world, however, that goal had not yet been

reached. Christian social doctrine taught that all people were members of one family and should form a true community. All, therefore, ought to have the same opportunities to develop their potential.

70. Modern developments were such that multilateral cooperation and political will were required to find ways of meeting the needs of the whole people and not just of a minority. Structural adjustment policies had exacted a heavy price from the poor, with rising prices, greater unemployment and cuts in health and education spending. The international community should therefore aim not only at improving material conditions but also at strengthening social structures. At the same time, the poor themselves had a decisive role to play in realizing their rights without waiting for outside help. The struggle against poverty and for development had to respect the dignity of the human being.

71. Mr. AL GHIRANNY (Observer for the Libyan Arab Jamahiriya) said that one objective of international law was to enable humankind to realize its aspirations. Peoples should cultivate good relations and cooperation in order to find solutions to the problems of economic, social and cultural rights. Action that ran counter to such principles should be condemned, as should specifically the violations by certain countries of the sovereignty of other countries, which was an integral part of the body of human rights.

72. The World Conference on Human Rights had appealed to States to avoid unilateral coercive measures which would hamper development and thwart the cause of human rights. That appeal had not been heeded, however. The actions of the world's most powerful nation had had a negative impact on economic relations and free trade. A country's economy was central to its life, so an attack on it was an attack on human rights. His country had been targeted for nearly 20 years by the United States of America and had suffered accordingly. When, however, a cooperative approach was adopted, the progress achieved was tangible.

73. Mr. MASUKU (Food and Agriculture Organization of the United Nations) said that the World Food Summit Plan of Action provided the blueprint for creating conditions in which everyone could enjoy the right to food. In the short term, however, many of the over 800 million malnourished people could enjoy that right only through direct food assistance. The role of FAO was to assist States in reaching their objectives in a practical way, most specifically through the indicators developed under the Food Insecurity and Vulnerability Information Mapping System. Information at the national and international levels about who was food insecure, and why, should be seen as a tool for action rather than an end in itself, however. International organizations should be ready to lend assistance in a coordinated way, for instance by establishing food safety nets.

74. The fiftieth anniversary of the Geneva Conventions should be marked by focusing attention on the right to food in situations of armed conflict. Agencies should make a concerted effort to ensure that food aid could be delivered in full respect for human dignity. Humanitarian access should be insisted upon as a legal obligation of States where they were unable or unwilling to provide food themselves. More than 20 countries had incorporated the right to food into their constitutions, but none of them had adopted

specific legislation to give effect to those provisions. It was time to look at practical ways in which the right to food could be implemented at the national level.

75. Mr. MAMDOUHI (Observer for the Islamic Republic of Iran) said that, in the three decades since the Proclamation of Tehran had stated that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible, no effective steps to promote and implement the latter had been taken. Somewhat later, the World Conference on Human Rights had called upon States to refrain from any unilateral coercive measures not in accordance with international law and the Charter of the United Nations.

76. However, international economic relations showed no sign of improvement and unilateral coercive measures against sovereign States continued to hamper free and natural economic and trade relations. The international financial institutions and trade organizations had a grave responsibility to create a favourable economic environment. The obstructionist attitude of certain countries prevented developing countries from participating fully in the economic arena by becoming members of the WTO.

77. Another major obstacle to developing countries' enjoyment of their economic, social and cultural rights was the burden of foreign debt. It was a matter of concern that, notwithstanding the commitments by developed countries to cancel, reduce or reschedule the foreign debt of developing countries, no positive action had so far been taken in that regard.

78. Mr. VAN DER HEIJDEN (Observer for the Netherlands) having endorsed the statement by the representative of Germany on behalf of the European Union, said that the question of how best to protect economic, social and cultural rights exercised the minds of many Governments, in view of the fact that almost a billion people were hungry and more than a billion had no access to a safe, clean water supply. His Government believed that the specialized agencies and financial institutions should have greater prominence in undertaking global action; over the decades they had developed great expertise and knowledge with respect to the problem of realizing economic, social and cultural rights. It was high time that such rights were mainstreamed throughout the United Nations system. While Governments bore the ultimate responsibility for their implementation, development cooperation made a direct contribution to the eradication of hunger and illiteracy.

79. Mr. DO NASCIMENTO PEDRO (Observer for Brazil) said he noted with pleasure the greater attention being paid to an agenda item which, some years earlier, had seemed moribund. He welcomed the appointment of a Special Rapporteur on foreign debt, who would be able to open up new ways of approaching the issue. He also commended the work of the Special Rapporteur on the adverse affects of the illicit movement of toxic and dangerous products and wastes on the enjoyment of human rights; her visit to Brazil had been a fruitful one and his Government was eager to move beyond words and give practical effect to her recommendations. At its future sessions, the Commission should devote more discussion to the issue.

80. Ms. MILLER (United Nations Children's Fund) said that the right to education was reaffirmed by the Convention on the Rights of the Child, the most widely ratified of all human rights treaties. Education was a

fundamental human right, not a mere aspiration or a favour; it was the responsibility of Governments, communities and families to give children the opportunity to develop their full potential. For countless numbers of children, however, it was still a distant and unknown concept. UNICEF could not be passive in the face of the facts that one sixth of humanity was still illiterate, that 130 million children did not attend school, and that 250 million children were exploited through labour and often left without education.

81. Where education was envisaged as a priority in the national agenda, it had been possible to achieve good results and develop a child-centred, relevant, inclusive and gender-sensitive system. All children should have equal access to and opportunities for education, which should take place in a violence-free environment. Special attention should be given to the most vulnerable groups, who had often been left on the margins of the education system.

82. Most importantly, the issue of sex discrimination needed to be tackled, since the majority of children left out of school were girls and the enrolment gap between boys and girls was still very high. To that end, stereotyped and gender-biased school books and materials should be eliminated, safe and healthy conditions should be promoted in schools and awareness of the issue should be encouraged. Such steps had already been taken in some countries to the benefit of their economic and social development. Investment in education was a reaffirmation of the commitment to human rights.

83. Mr. GASPARD (Observer for Haiti), having welcomed the fact that the Commission was devoting special attention to the effects of structural adjustment policies on the enjoyment of human rights, said that, in the context of economic liberalization and competition between multinational corporations, it was difficult for some developing countries to guarantee their people's economic, social and cultural rights. The structural adjustment policies imposed on them tended to disadvantage the already disadvantaged and statistics showed that the percentage of poor people in Latin America and Africa had risen. A second effect was that countries had lost their ability to choose their own development policies.

84. Civil and political rights were also affected by structural adjustment policies: excessive economic liberalization could create tensions causing Governments to reduce political freedoms. The key to development was said to be foreign investment, yet such investment required political stability. He questioned whether stability could coexist with a structural adjustment programme and whether a good economic performance could be achieved without impinging on human rights.

85. It was a dilemma which only a sincere social dialogue could resolve. Structural adjustment policies must serve not only market forces but also the public interest. The new Government of his country therefore intended, in pursuing a modernization programme for public enterprises, to negotiate greater flexibility in the application of the programme with its multilateral and bilateral partners, involving them in determining and funding the measures required.

The meeting rose at 6 p.m.